



COUNCIL MINUTES

November 17, 2008

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 17, 2008 at 5:47 p.m.

COUNCIL PRESENT

Mayor Scott Smith
Alex Finter
Dina Higgins
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

Kyle Jones

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Mayor Smith excused Vice Mayor Jones from the entire meeting.

Invocation by Councilmember Finter.

Pledge of Allegiance was led by T. J. Zinser, a member of the Mayor's Youth Committee.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

It was moved by Councilmember Somers, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Mayor Smith declared the motion carried unanimously by those present.

*2. Approval of minutes of previous meetings as written.

Minutes of the November 3, 2008 Council meeting.

3. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case:

*3a. Public Hearing on Minor General Plan Amendment **GPMInor08-12 (District 5)**

Mayor Smith announced that this is the time and place for a public hearing on Minor General Plan Amendment **GPMInor08-12**.

There being no citizens present wishing to speak on this item, the Mayor declared the public hearing closed.

3b. Take action on the following resolution:

GPMInor08-12 (District 5) The 3200 to 3300 blocks of North Recker Road (west side). Located north of Longbow Parkway and west of Recker Road. (49.08± ac.) General Plan Minor Amendment to change the General Plan Land Use Map from Business Park (BP) to Community Commercial (CC). This request will allow for commercial uses and align the land use category for this site with the Falcon Field Sub-Area Plan. Associates, LLC, Robert M. McNichols, managing member, owner; Sean Lake, Pew and Lake, PLC, applicant – Resolution No. 9412. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)*** **COMPANION CASE Z08-63.**

P&Z Recommendation: Adoption. (Vote: 7-0).

It was moved by Councilmember Kavanaugh, seconded by Councilmember Somers, that Resolution No. 9412 be adopted.

Mayor Smith declared the motion carried unanimously by those present and Resolution No. 9412 adopted.

3c. Take action on the following ordinance introduced at a prior Council meeting:

Z08-63 (District 5) The 2800 to 3100 blocks of North Higley Road (east to Recker Road) and the 3200 to 3300 blocks of North Recker Road (west side). Located north of McDowell Road between Higley Road and Recker Road. (313.42± ac.). Modification of the Longbow Business Park and Golf Club Development Master Plan (313.42± ac.). Rezone from M-1 DMP and M-1 DMP (Conceptual BIZ) to C-2 DMP (Conceptual BIZ) (49.08± ac.). This request will modify the existing Development Master Plan to reconfigure the zoning to align with the approved subdivision plat and allow for future commercial and employment uses. Associates, LLC, Robert M. McNichols, managing member, owner; Sean Lake, Pew and Lake, PLC, applicant – Ordinance No. 4897. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)*** **COMPANION CASE GPMInor08-12.**

P&Z Recommendation: Approval with Conditions. (Vote: 7-0).

It was moved by Councilmember Kavanaugh, seconded by Councilmember Somers, that Ordinance No. 4897 be adopted.

Mayor Smith declared the motion carried unanimously and Ordinance No. 4897 adopted.

4. Take action on the following liquor license application:

*4a. Christkindlmarket

This is a one day charitable event to be held on December 6, 2008 from 12:00 p.m. to 10:00 p.m. at Macdonald Street in between West Main Street and West Pepper Street. **(District 4)**

*4b. Carniceria Market Beer & Wine

New Beer & Wine Store License for Carniceria Market Beer & Wine, 1931 West University Drive, B & S Carniceria Market LLC – Bashar Dickow Delly, Agent. The previous Beer & Wine store license held at this location by Ramona Market closed on 01/05/2006. **(District 3)**

*4c. Falcon's Roost Restaurant & Lounge

New Restaurant License for Falcon's Roost Restaurant & Lounge, 4731 East Falcon Drive, Thank You Lord LLC – Sandy Joseph Novelli, Agent. The previous Restaurant license held at this location by Falcon's Roost Restaurant & Lounge will revert back to the State. **(District 5)**

5. Take action on the following contracts:

*5a. Purchase of Eight (8) Replacement Radio Dispatch Consoles for the Mesa Police Department, Public Safety Communications (Quality of Life Funded).

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Motorola, Inc. at \$201,389.16, including applicable sales tax.

*5b. Three-Year Supply Contract for Automotive Lighting, Mirrors and Safety Supplies for the Fleet Services Department.

The Procurement Services Department recommends awarding contracts to the highest scoring proposers, Fleetpride, Inc. (primary) at \$32,415.00, and The Lighthouse, Inc. (secondary) at \$25,992.00, for a combined annual award of \$58,407.00, based on estimated requirements, including applicable sales tax.

*5c. Two-Year Renewal of the Supply Contract for Meter Set Assemblies for Warehouse Inventory as requested by the Utilities Department, Gas Division.

The Procurement Services Department recommends authorizing a two-year renewal contract to R.W. Lyall & Co. Inc. for annual purchases estimated at \$117,506.19, including applicable use tax.

- *5d. Two-Year Renewal Supply Contract for Traffic Signal Equipment and Cabinet Assemblies for Warehouse Inventory as requested by the Transportation Department, Traffic Engineering Division.

The Procurement Services Department recommends authorizing renewal of the contract for Groups A and C with Econolite Control Products, Inc. at \$188,511.31 annually, and for Group B with Phoenix Highways at \$27,555.58 annually, for a combined renewal award of \$216,066.89, including applicable taxes.

- *5e. Dollar Limit Increase to the Supply Contract for Traffic Signal Controllers and Video Camera Equipment for Warehouse Inventory as requested by the Transportation Department, Traffic Engineering (Fully Funded Regional Transportation Plan Funds).

The Procurement Services Department recommends increasing the dollar limit of the contract with Econolite Control Products, Inc. by \$150,000.00 to \$386,429.95 for the remainder of the current contract period, based on estimated requirements.

- *5f. Gas and Water Line Replacement in City of Mesa Quarter Section 30A bounded by Broadway Road and 8th Avenue between Country Club and Center Street, City of Mesa Project No. 02-353-001. **(District 4)**

This project will install new water lines and gas lines, including valves and fire hydrants, and abandon the existing water lines and gas lines in their current locations.

Recommend award to the low bidder, Pierson Construction Corporation, in the amount of \$2,325,450.00 plus an additional \$232,545.00 (10% allowance for change orders) for a total award of \$2,557,995.00. Funding is available from the adopted FY 08/09 Water Bond Capital program and Gas Bond Capital program.

6. Take action on the following resolutions:

- *6a. Approving and authorizing the City Manager to execute a Grant Agreement between the Arizona Department of Homeland Security and the City of Mesa to secure grant funds in the amount of \$270,000 to support the Fire Department's Rapid Response Team – Resolution No. 9402.
- *6b. Approving and authorizing the City Manager to execute a Grant Agreement between the Arizona Department of Homeland Security and the City of Mesa to secure grant funds in the amount of \$321,221 to support the Fire Department's Metropolitan Medical Response System – Resolution No. 9403.
- *6c. Approving and authorizing the City Manager to execute a Grant Agreement between the Arizona Department of Homeland Security and the City of Mesa to secure grant funds in the amount of \$4,000 to support the Fire Department's Terrorism Liaison Officer Program – Resolution No. 9404.
- *6d. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona and the City of Mesa to provide for sharing of resources in the event of a disaster – Resolution No. 9405.

- *6e. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between Maricopa County, on behalf of the Adult Probation Department, and the City of Mesa to enhance public safety in the community by assigning a Probation Officer to the Police Department's Street Crimes Unit – Resolution No. 9406.
- *6f. Approving and authorizing the City Manager to execute a Grant Agreement between the Arizona Criminal Justice Commission and the City of Mesa to secure grant funds in the amount of \$63,190 for equipment and software for the Police Department's Forensic Services Unit – Resolution No. 9407.
- *6g. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Phoenix and City of Mesa to secure grant funds in the amount of \$35,000 to purchase radio equipment for the Police Department's East Valley Fusion Center – Resolution No. 9408.
- *6h. Approving and authorizing the City Manager to execute a Grant Agreement between the Arizona State Parks Board and the City of Mesa to award grant funds in the amount of \$100,000 for Mesa Grande Cultural Park – Phase I and authorizing the City Manager to execute a Preservation and Conservation Easement Deed – Resolution No. 9409. **(District 1)**
- *6i. Approving and authorizing the City Manager to execute the Light Rail Transit Operations Master Cooperative Funding Agreement with Valley Metro Rail, Inc. to establish policies for cost sharing and fare revenue distribution for the light rail transit operational costs – Resolution No. 9410. **(District 3)**
- *6j. Approving and authorizing the City Manager to execute a lease with the Maricopa County Community College District for office space on the fourth floor of the Carousel View Condominium located at 145 North Centennial Way – Resolution No. 9411. **(District 4)**

7. Introduction of the following ordinances and setting December 1, 2008, as the date of the public hearing on these ordinances:

- *7a. **Z08-60 (District 6)** 6428 East Test Drive. Located south of the Superstition Freeway and west of Power Road (3.17±acres). Modification of an existing Ordinance and Site Plan Review. This request will allow the development of an automobile dealership. Joe Cardinale, Cardinale Automotive Group, owner; David Ward, Gallagher & Kennedy, P.A., applicant; Michael Denbleyker, P.E., V3 Companies of Arizona, engineer. ***(Held neighborhood meetings, notified property owners, homeowners' associations and registered neighborhoods.) (ITEM WITHDRAWN)***

P&Z Recommendation: Approval with conditions. (Vote: 4-2-1 with Boardmembers Carter and Esparza nay, Perkinson absent.)

- *7b. **Z08-65 (District 5)** 6248 East Ensenada Street. Located south and east of Recker Road and Brown Road (0.18± acres). Rezone from Maricopa County R1-6 to City of Mesa R1-6. For the establishment of City of Mesa zoning on recently annexed property. Richard and Rosemary Leckey, owner; City of Mesa, applicant.

PHO Recommendation: Approval with conditions.

- *7c. **Z08-66 (District 5)** 2649 North 78th Street and 7825 East Willetta Street. Located south and east of Sossaman Road and McDowell Road (2.09± acres). Rezone from Maricopa County R1-35 to City of Mesa R1-35. For the establishment of City of Mesa zoning on recently annexed property. Richard and Kathleen Atwood and William and Jacqueline Black, owner; City of Mesa, applicant.

PHO Recommendation: Approval with conditions.

8. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen who wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- *8a. **A06-26 (District 5)** Annexing land located south of Thomas Road and east of Hawes Road (11.07 +/- ac). Initiated by Reese Anderson, Pew & Lake, PLC, representing the property owner. **(CONTINUED TO THE DECEMBER 8, 2008 COUNCIL MEETING.)**

Staff Recommendation: Approval.

- 8b. **A07-26 (District 5)** Annexing land located north of Adobe Road and west of Crismon Road (1.07+/- ac). Initiated by the property owner, John Webster – Ordinance No. 4898.

Staff Recommendation: Approval.

Mayor Smith stated that Councilmember Higgins requested that this item be removed from the consent agenda.

Councilmember Higgins commented that although various City departments have reviewed the annexation request and recommended approval, she is concerned with emergency response times in this particular area of the community. She expressed opposition to this item and said that she would prefer that the City not annex “another property” situated in an area of Mesa that is “already stretched” with regard to response times.

City Manager Christopher Brady reported that the Fire Department reviewed both proposed annexation cases (items 8b and 8c). He explained that as a result of that process, staff received commitments from the respective applicants that they would make the necessary infrastructure improvements to their properties (i.e., extending fire hydrants or other mitigation efforts). Mr. Brady stated that such assurances resulted in the Fire Department agreeing to recommend approval of the annexation requests and added that it was the opinion of staff that they would be able to adequately provide service to these properties.

Mayor Smith inquired if there was an understanding by the applicants that the level of service in the area “is what it is” even after such infrastructure improvements are made.

Mr. Brady confirmed that Mayor Smith's statement was correct.

Councilmember Somers questioned whether the properties in 8b and 8c were vacant or developed lots. He also questioned how, if the properties are, in fact, annexed into the City, the property owners would be held responsible for building the necessary infrastructure.

Mr. Brady responded that staff would encourage the property owners to build to City Code. He explained that one of the biggest challenges that the City encounters when it annexes a property that is already developed is the fact it has not been developed to City standards.

In response to a series of questions from Councilmember Somers, Planning Director John Wesley clarified that relative to 8b, the property receives City water and sewer and the fire hydrants are adequate to provide fire protection. He also said that regarding 8c, the property receives City water, is on a septic system, and the fire hydrants are adequate to provide fire protection.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Richins, that Ordinance No. 4898 be adopted.

Upon tabulation of votes, it showed:

AYES – Smith-Finter-Kavanaugh-Richins-Somers

NAYS – Higgins

ABSENT – Jones

Mayor Smith declared the motion carried by majority vote and Ordinance No. 4898 adopted.

- 8c. **A07-37 (District 6)** Annexing land located south of Main Street and east of Sossaman Road (0.21 +/- ac). Initiated by the property owner, Susan C. Dillman – Ordinance No. 4899.

Staff Recommendation: Approval.

It was moved by Councilmember Richins, seconded by Councilmember Kavanaugh, that Ordinance No. 4899 be adopted.

Councilmember Higgins reiterated her previous comments and noted that although utilities may be present at the property, Mesa is “adding yet one more house into a service area that is experiencing issues meeting its target response times.” She stated that for that reason, she would vote no on the motion.

Mayor Smith called for the vote.

Upon tabulation of votes, it showed:

AYES - Finter-Kavanaugh-Richins-Somers

NAYS – Smith-Higgins

ABSENT – Jones

Mayor Smith declared the motion carried by majority vote and Ordinance No. 4899 adopted.

- *8d. Amending Section 11-6-3 of the Zoning Ordinance. The amendment proposes minor wording revisions to clarify language used to describe standards and evaluation criteria related to land uses requiring Council Use Permits in the C-1, C-2, and C-3 zoning districts – Ordinance No. 4895.

P&Z Recommendation: Adoption. (Vote: 7-0)

DDC Recommendation: Adoption. (Vote: 8-0)

- *8e. **Z08-64 (District 6)** 5460 South Mountain Road. Located south of Ray Road and east of Signal Butte Road (62± ac). Rezone from R-2 PAD DMP to R1-9 PAD DMP and Modification to the Mountain Horizons Development Master Plan. This request will allow for the development of a single residential subdivision. Pulte Homes, Tim Loughrin, owner; Ralph Pew, Pew & Lake, PLC, applicant – Ordinance No 4896. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 7-0).

9. Items from citizens present.

David Douthit, 623 South Winthrop, commented that the City of Mesa is facing significant budgetary challenges and an impending reduction in its work force. He urged Mesa residents to volunteer their time and talents at the City in order to provide assistance to the community during these difficult economic times.

10. Adjournment.

Without objection, the meeting adjourned at 6:10 p.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 17th day of November 2008. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK